



JUL 26 2001

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William R. Evans
LADAS & PARRY
26 West 61st Street
New York, NY 10023

In re Application of MONSALVATJE LLAGOSTERA,
Montserrat, et al.

U.S. Application No.: 09/424,673

PCT No.: PCT/ES98/00145

International Filing Date: 25 May 1998

Priority Date: 29 May 1997

Attorney's Docket No.: U 012500-4

For: PROCESS FOR OBTAINING QUINAPRIL
HYDROCHLORIDE AND SOLVATES USEFUL FOR
ISOLATING AND PURIFYING QUINAPRIL
HYDROCHLORIDE

DECISION ON
SECOND RENEWED
PETITION UNDER
37 CFR 1.47(a)

In a decision mailed on 15 March 2001, this Office dismissed applicant's renewed petition under 37 CFR 1.47(a) for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had failed to provide satisfactory proof that the inventor refuses to execute the application or cannot be reached after diligent effort, including the prerequisite showing that the nonsigning inventor has been provided with a copy of the complete application papers.

On 13 June 2001, applicants filed the supplemental materials considered herein. These materials include a revised factual statement which states that the nonsigning inventor has been provided with a complete copy of the application. However, the revised factual statement, and the attachments thereto, are unclear as to two other material questions. First, the letter attached to the statement (which itemizes the materials sent to the nonsigning inventor) refers to the "Added Page to Combined Declaration and Power of Attorney for Signature by Fourth and Subsequent Inventors." It is therefore unclear whether the nonsigning inventor was provided with a copy of the **complete** declaration, as opposed to the signature page alone.

In addition, the factual statement asserts that the executed "assignment papers" have not been received from the nonsigning inventor. While a declaration of inventorship is not an assignment paper, the term "assignment papers" as used in Ms. Arque's statement is apparently intended to encompass such declarations, as well as the actual assignment documents. Given that the term "assignment papers" is intended by Ms. Arque to refer to multiple distinct documents, it is unclear whether her statement that she has "not yet received the assignment papers" means that she did not receive any of the papers, or that she received some papers (e.g., the executed declaration) but not the executed assignment.

Based on the above ambiguities, the present submission does not satisfy the final requirement for a grantable petition under 37 CFR 1.47(b). Accordingly, the second renewed petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Third Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Failure to file a timely and proper response will result in abandonment. A proper response will include evidence demonstrating that the nonsigning inventor has been provided with a copy of the complete inventor's declaration, and that such inventor has failed to return the executed declaration.

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Boris Milef
PCT Legal Examiner
PCT Legal Office

RMR/BM:rmr



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459